



**U.S. Department of Justice**

United States Attorney  
Eastern District of Pennsylvania

Mark J. Sherer  
Assistant United States Attorney  
Direct: (215) 861-8445  
mark.sherer@usdoj.gov

615 Chestnut Street, Suite 1250  
Philadelphia, Pennsylvania 19106-4476  
Telephone: (215) 861-8200  
Facsimile: (215) 861-8618

March 8, 2023

**VIA ECF**

Honorable Mitchell S. Goldberg  
United States District Judge  
17614 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

RE: ***Kirtz v. TransUnion LLC*, Civil No. 20–5231**  
Status Report on Petition for Writ of Certiorari to U.S. Supreme Court

Dear Judge Goldberg:

In accord with the Court's January 31, 2023 Order, I write on behalf of the U.S. Department of Agriculture Rural Development Housing Service (USDA), to report on the status of this case.

On March 3, 2023, the Solicitor General filed a Petition for a Writ of Certiorari in the U.S. Supreme Court seeking review of this matter. *See* Pet., *USDA v. Kirtz*, No. 22–846 (U.S. Mar. 3, 2023).

While we do not know when the Supreme Court will act on that Petition, the Solicitor General's Office informs me that any decision is unlikely until at least mid-June of this year, if not later.

The USDA therefore respectfully requests that this Court keep the district court case in civil suspense pending the Supreme Court's resolution of the Petition for a Writ of Certiorari, with the USDA to file another letter status update regarding that Petition on or before **June 19, 2023**.

Counsel for the Plaintiff and for defendant PHEAA (the only other remaining parties) have both stated that they concur in the USDA's request, making it unopposed.

Respectfully,

JACQUELINE C. ROMERO  
United States Attorney

A handwritten signature in blue ink, appearing to read "Mark J. Sherer", with a stylized flourish at the end.

MARK J. SHERER  
Assistant United States Attorney

cc: Matthew B. Weisberg, Esquire, counsel for Plaintiff Reginald Kirtz (via ECF)  
Andrew Petsu, Esquire, counsel for defendant PHEAA (via ECF)

**CERTIFICATE OF SERVICE**

I certify that on this date, the foregoing was filed electronically and is available for viewing and downloading from the Court's ECF system, and the ECF system will automatically serve a copy on counsel for all parties.

Dated: March 8, 2023

/s/ Mark J. Sherer  
MARK J. SHERER  
Assistant United States Attorney